

JONATHAN ANTHONY LEE)
TORRES,)
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Plaintiff,)
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v.)
))
ERIC DYE, et al.,)
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Defendants.)
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This matter is before the Court on the Consent Motion to Excuse Attendance of Individual Defendants at Settlement Conference (the “Motion,” Doc. 94).

A telephonic settlement conference is set for March 28, 2024 beginning at 9:30 a.m. The Court's Order of February 22, 2024 provided instructions regarding the parties' participation in that conference. Doc. 89.

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Department of Adult Corrections (“NCDAC”), as Defendants’ employer, is responsible “for the first one hundred fifty thousand dollars (\$150,000) of liability” and their counsel does not anticipate any settlement in this matter will exceed \$150,000. The Motion also states that “a representative from NCDAC with settlement authority will attend the scheduled settlement conference and will have the ability to negotiate and enter into any binding settlement agreement on behalf of Defendants.” Id. at ¶¶ 4, 6.

In view of these representations, the undersigned will excuse a representative from any involved insurance carrier (i.e., a representative other than the NCAC representative) from participating in the conference.

With respect to Defendants’ participation, while defense counsel and the NCDAC representative may have authority to negotiate and enter a binding settlement on behalf of Defendants, as parties to the case Defendants themselves have a vested interest in the matter and the undersigned otherwise believes Defendants’ personal participation in the conference may be beneficial. In order to ensure that such participation is not unduly burdensome, the undersigned has previously advised that Defendants and their counsel may participate in the settlement conference from different physical locations if they so choose, as long as they are on one conference line during the conference. See Doc. 89 at 2.

IT IS THEREFORE ORDERED THAT Defendants' Consent Motion to Excuse Attendance of Individual Defendants at Settlement Conference (Doc. 94) is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) The request that a representative from any involved insurance carrier (i.e., a representative other than the NCDAC representative) be excused from participating in the March 28, 2024 settlement conference is **GRANTED**; and
- (2) The request that Defendants Eric Dye, Chris Biecker, Kenneth Poteat, Jeffrey Clawson, Travis Delozier, Justin Franks, David Carroll, Russell Chester, Daniel Turner, Troy Morrison, Daniel Brown, and Charles Moss be excused from personally participating in the March 28, 2024 settlement conference is **DENIED**.

Signed: March 21, 2024



W. Carleton Metcalf
United States Magistrate Judge

